UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,828	07/14/2003	Ajay Kumar	5681-15100	5939

58467   7590   02/03/2009

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EXAMINER
TRUONG, CAMQUY

ART UNIT	PAPER NUMBER
2195	

MAIL DATE	DELIVERY MODE
02/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _amendment filed 30 January 2009_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-36_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-36_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-36 are presented for examination.

Double Patenting

        The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11
F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225
USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA
1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*,
418 F.2d 528, 163 USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be
used to overcome an actual or provisional rejection based on a nonstatutory double
patenting ground provided the conflicting application or patent is shown to be commonly
owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

2.   Claims 1-36 are provisionally rejected under the judicially created doctrine of

double patenting over claims 1-56 of copending Application No. 10/618,810.

        Although the conflicting claims are not identical, they are not patentably distinct

from each other. The examiner can ascertain not difference between the claims of the

present application and that of copending Application No. 10/342, 432. It is noted that

the minor difference encompass replacement of the recitation of the limitations in the

claims and it appears to be substantially the same or duplicate or in some instance

obvious over one another. For example, claims 1, 14, 15, and 26, functions performed

by the steps are the same and obvious as the steps of claims 1, 10, 11, 20, 21, 30, 39,

and 48 of copending Application No. 10/618,810.

   This is a provisional double patenting rejection since the conflicting claims have

not yet been patented.

Claim Objections

3.   The specification is objected to for potential 101 problem as failing to provide

proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d) (1) and

MPEP § 608.01(o). Appropriate correction is required because the specification does

not provide antecedent basis for "computer-accessible storage medium" as recited in

line 1 of claim 7.

Claim Rejections - 35 USC § 101

   35 U.S.C. 101 reads as follows:

   Whoever invents or discovers any new and useful process, machine, manufacture, or
   composition of matter, or any new and useful improvement thereof, may obtain a patent therefor,
   subject to the conditions and requirements of this title.

4.   Claims 15-25 are rejected under 35 U.S.C. 101 because they are directed to

non-statutory subject matter.

   Claims 15-25 recite a method comprising steps that may be performed mentally

and / or manually by human being. Thus, the method neither explicitly recites another

statutory class of invention (i.e., a machine, a manufacture or a composition of matter)

nor inherently requires the use of a particular machine or apparatus. Accordingly, the

recited invention is nonstatutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented
and the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-19, 25-30, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Mckee et al. (5,488, 694) in view of Saliba et al. (U.S. 2001/0037315)

and further in view of Demers et al. (U.S. 5,781, 912).

6.   As to claim 1, Mckee teaches the invention substantially as claimed including: a

system, comprising:

one or more processors (I/O processors, col. 4, lines 34-37);

pause the plurality of transactions managed by the transaction manager in

response to a pause request to pause the transaction manager (the transaction queue

is capable of being frozen in response to <que_FRZ> , col. 20, lines 26-28 / Abnormal

termination of an IOC transaction causes the transaction queue 806 to be frozen and

the que.sub.-- FRZ flag in the queue manager CSR 802 to be set, col.23, line 65 –

col.24, line 3), wherein while paused, the transaction manager does not allow any of the

plurality of transactions managed by the transaction manager to complete (so that all

entries that have not been selected will not be executed, col. 20, lines 28-30); and

resume the plurality of transactions managed by the transaction manager in

response to a resume request (unfreezing the transaction queue using the same

mechanism as frozen such as in response to signal, col. 20, lines 30-32).

7.   Mckee does not explicitly teach memory coupled to the one or more processors

and configured to store program instructions executable by the one or more processors

to implement a transaction manager, wherein the transaction manager is configured to:

manage a plurality of transactions initiated by one or more application, wherein

each transaction comprises a plurality of operations to one or more data sources that

are required to be committed to the one or more data sources a atomically for each

respective transaction.

8.   However, Saliba teaches memory coupled to the one or more processors and

configured to store program instructions executable by the one or more processors to

implement a transaction manager (storage medium having stored thereon a plurality of

executable instructions including at least a subset of which that, when executed,

implement the financial transaction manager, paragraphs 37, and 117), wherein the

transaction manager is configured to:

manage a plurality of transactions initiated by one or more application (email

client application executing on the computing device to access and interact with the

email system 102, paragraph 40 / email server application 115 implements a number of

common email services such as, for example, compose email, send email, receive

email, display email, and the a like, Paragraph 42 / initiate payments, request payments,

authorize payments and perform a number of account maintenance and management

functions through an email user interface, paragraph 43), wherein each transaction

(Request a Payment) comprises a plurality of operations to one or more data sources

that are required to be committed to the one or more data sources a atomically for each

respective transaction (select, identify…and submit, paragraphs 94-97).

9.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teaching of Mckee to incorporate the teaching of

memory coupled to the one or more processors and configured to store program

instructions executable by the one or more processors to implement a transaction

manager, wherein the transaction manager is configured to manage a plurality of

transactions initiated by one or more application, wherein each transaction comprises a

plurality of operations to one or more data sources that are required to be committed to

the one or more data sources a atomically for each respective transaction as taught by

Saliba because this allow to enable users to access and utilize the features of email

system to complete their purpose.

10.   Mckee and Saliba do not explicitly teach committed to source atomically.

However, Hallmark teaches committed to source atomically (transaction that can update

any number of the distributed database and can commit the transaction atomically, col.

2, line 59- col. 3, line 3).

11.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teaching of Mckee and Saliba to incorporate the

teaching of committed to source atomically as taught by Hallmark because it allow to

prevent other transactions from altering the data at inappropriate times during

processing.

12.   As to claim 14, it is rejected for the same reason as claim 1 above.

13.   As to claim 2, Mckee teaches the transaction manager is configured to change

the state of each of the plurality of transaction managed by the transaction manager

(Completed status means that a completed request is no longer using the IOC bus 110

and the status word has been written into the transaction buffer 670, col. 17, lines 5-22).

14.   As to claims 3-4, Saliba teaches the transaction manager is configured to request

permission to change the state of each of the plurality of transactions managed by the

transaction manager prior to changing the state of each respective transaction (the

status for a particular financial transaction changes, the change is displayed in the

Inbox, paragraph 86).

15.   As to claim 5, Mckee teaches the transaction manager is configured to prohibit a

change of state of each of the plurality of transactions managed by the transaction

manager while the transaction manager is paused complete (so that all entries that

have not been selected will not be executed, col. 20, lines 28-30; thereby, changing the

state of transaction is prohibit).

16.   As to claims 6-7, Mckee teaches the transaction manager is configured to

support the execution of each of the plurality of transactions managed by the

transaction manager within a respective current state while the transaction manager is

paused (freeing up the transaction controller to process another request, col. 17, lines

20-22).

17.   As to claim 8, Mckee teaches while the transaction manager is paused, the

system is configured to perform operations on one or more individual transactions

(freeing up the transaction controller to process another request, col. 17, lines 20-22).

18.   As to claim 9, Saliba teaches the operations comprise one or more from the

following: rollback, abort, partial rollback, add/remove participant, and commit (submit,

paragraph 97).

19.   As to claims 10, 12-13, Hallmark teaches one or more of the transactions are local and global transactions (local/global transaction, col. 4, lines 14-25).

20.   As to claim 11, Mckee teaches while paused, the transaction manager is not allowed to change the state of the one or more transactions to the committing state (so that all entries that have not been selected will not be executed, col. 20, lines 28-30).

20.   As to claims 15, and 26, they are rejected for the same reason as claim 1.

22.   As to claims 16 and 27, they are rejected for the same reason as claim 11. In addition, Saliba teaches the transaction manager attempts to perform a state change on a transaction in response to input to the transaction manager (the status for a particular financial transaction changes, the change is displayed in the Inbox, paragraph 86).

22.   As to claim 17 and 28, Saliba teaches the input comprise notification that an application has initiated a transaction (responsive to user input received via the email application/user interface 115 to selectively invoke services of the financial manager suite 304, paragraph 63).

23.   As to claims 18 and 29, Saliba teaches state change comprises a change from a nonexistent state to an active state (status for a particular financial transaction changes, the change is displayed in the Inbox, paragraph 86).

24.   As to claim 25, it is rejected for the same reason as claim 7.

25.   As to claims 19, and 30, Saliba teaches input comprises notification that an application has executed a commit transaction command (submit the request by selection of the submit soft-key 932, step 822. In response, the management function 316 forwards the message to an appropriate technical resource, which responds to the user's request, paragraph 93).

26.   As to claim 36, it is rejected for the same reason as claim 25.

27.   **Claims 20-24, 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mckee et al. (5,488, 694) in view of Saliba et al. (U.S. 2001/0037315) and further in view of Demers et al. (U.S. 5,781, 912), as applied to claims 19, and 30 above, and further in view of Klein et al. (U.S. Patent 6,728,958 B1).**

28.   As to claims 20-21, and 31-32, Mckee, Saliba and Demers do not explicitly teach teaches notification that all participants are prepared commit the transaction. However, Klein teaches notification that all participants are prepared commit the transaction (col. 2, lines 32-36, and lines 53-67).

29.   It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teaching of Mckee and Saliba to incorporate the

teaching of notification that all participants are prepared commit the transaction as

taught Klein because this allow transactions to be performed simultaneously as desired

for optimal system performance.

30.   As to claims 22-23, and 33-34, Klein teaches a change from a preparing state to

a committing state (col. 2, lines 14-23).

31.   As to claims 24 and 35, Saliba teaches state change comprises a change from a

nonexistent state to an active state (status for a particular financial transaction changes,

the change is displayed in the Inbox, paragraph 86).

Conclusion

32.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to CAMQUY TRUONG whose telephone number is

(571)272-3773. The examiner can normally be reached on 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Meng Ai An can be reached on (703)305-9678. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/   Camquy Truong
Primary Examiner, Art Unit 2194

                                                       January 30 2009